

1
2
3
4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

6 * * *

7 AYDE AZUCCERA PEREZ GUTIERREZ,
8 et al.,

9 Plaintiff(s),

10 v.

11 MARISCOS EL PUERTO, INC., et al.,

12 Defendant(s).

Case No. 2:19-CV-1940 JCM (EJY)

ORDER

13
14 Presently before the court is the matter of *Gutierrez et al. v. Mariscos El Puerto, Inc. et*
15 *al.*, case number 2:19-cv-01940-JCM-EJY.

16 On January 21, 2020, plaintiffs Ayde Azuccera Perez Gutierrez, Brenda Karla Gabrela
17 Reyes Medrano, Adriana Torres, Erika Socorro Valle Peralta, Salvador Vladimir Jimenez Flores,
18 and Viridiana Ramirez Rodriguez' (collectively "plaintiffs") filed a motion for sanctions (ECF
19 No. 19), a motion for order to show cause (ECF No. 20), and a motion for hearing before district
20 judge (ECF No. 21). Each motion relates to defendants Mariscos El Puerto, Inc., La Catrina,
21 LLC, La Catrina Entertainment, LLC, Manuela Hernandez, Julian Hernandez, Hector Moreno,
22 and Danny Hernandez' (collectively "defendants") alleged violation of the temporary restraining
23 order this court issued on November 15, 2019 (ECF No. 6) and preliminary injunction this court
24 issued on November 25, 2019 (ECF No. 15).

25 The preliminary injunction bars defendants from:

26 terminating or threatening to terminate, cutting hours or wages, reporting or
27 threatening to report to immigration authorities, inflicting or threatening to inflict
28 bodily harm on, or retaliating or discriminating against their employees in any
other way, based on their belief that such employee participated, or intends to
participate, in the present action, whether as a witness or a plaintiff. Defendants
are also enjoined from instructing any of their employees not to speak to

1 representatives of the Plaintiffs, otherwise coercing employees to make false
2 statements regarding the terms and conditions of their employment, and from
3 encouraging their employees or other parties to harass, threaten, or harm the
4 Plaintiffs or any other persons participating in this lawsuit, whether as a witness
5 or a party plaintiff.

6 *Id.* In addition, the preliminary injunction requires defendants to:

7 post at each worksite—"La Catrina Bar & Grill" and "Mariscos El Puerto"— a
8 statement, in both English and Spanish, and in an open location easily visible to
9 Defendants' employees, that states: You are protected by the Fair Labor Standards
10 Act. Your employer is prohibited from retaliating against you because of your
11 participation in the lawsuit against them, including any statements you may make
12 as part of the case. The United States District Court for the District of Nevada has
13 ordered Defendants MARISCOS EL PUERTO, INC.; LA CATRINA, LLC; LA
14 CATRINA ENTERTAINMENT, LLC; MANUELA HERNANDEZ; JULIAN
15 HERNANDEZ; HECTOR MORENO; and DANNY HERNANDEZ, and anyone
16 acting on their behalf, not to coerce, retaliate against, threaten to retaliate against,
17 intimidate, or attempt to influence or in any way threaten employees of La Catrina
18 Bar & Grill and Mariscos El Puerto for participating in this lawsuit.

19 *Id.* Defendants are also required to post the above statement in English and Spanish and include
20 the case caption. *Id.*

21 Plaintiffs contend that defendants are in contempt of the temporary restraining order and
22 preliminary injunction because defendants have continued to retaliate against and intimidate
23 their employees both before and after the preliminary injunction issued. (ECF Nos. 19, 20). In
24 light of the allegations contained in plaintiffs' motions, the court will set an expedited briefing
25 schedule.

26 Briefing for plaintiffs' motion for sanctions (ECF No. 19) and motion for order to show
27 cause (ECF No. 20) will proceed as follows: defendants' responses are due on or before January
28 28, 2020; plaintiffs' replies are due on or before January 31, 2020.

IT IS SO ORDERED.

DATED January 23, 2020.


UNITED STATES DISTRICT JUDGE